

REPORT - PLANNING COMMISSION MEETING
March 11, 2004

Project Name and Number: Eggers Rezoning (PLN2004-00169)

Applicant: City of Fremont

Proposal: To consider an application for a Rezoning of four contiguous parcels on Eggers Drive from R-G-29 to R-3-18 for consistency with the City's certified Housing Element.

Recommended Action: Recommend to City Council.

Location: 3735, 3767, 3803 and 3851 Eggers Drive.

Assessor Parcel Number(s): 501-1635-001-02
501-1635-002-02
501-1635-003-02
501-1635-004-02.

Area: Lot size: Each 11,000 square feet (Gross - 44,000 square feet or app. 1.01 acres)

Owner(s): Roberto P. Contreras
Randall Hollander & Devon Schultz
Sharan Deem
Rodrigo I. & Lolita B. Galindo.

Environmental Review: A Mitigated Negative Declaration has been prepared for this project.

Existing General Plan: Medium Density Residential, 15 to 18 dwelling units per acre

Existing Zoning: R-G-29, Garden Apartment Residence District

Existing Land Use: Single-family residences and one vacant lot

Public Hearing Notice: Public hearing notification is applicable. A total of 93 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Boswell Terrace, Burton Common, Colet Terrace, Country Drive, Eggers Drive, Fabian Common, Fremont Boulevard and Oxford Common. The notices to owners and occupants were mailed on February 27, 2004. A Public Hearing Notice was delivered to The Argus on February 23, 2004, to be published by February 26, 2004.

Background and Previous Actions: The site is located off Eggers Drive across from Washington High School in the Centerville Planning Area. The four parcels were created as part of the Ex-Mission San Jose Tract. There are single-family residences currently located on three parcels, 3735, 3767 and 3803 Eggers Drive. A demolition permit (BLD2001-02300) was issued on September 19, 2000 for the demolition of a single-family residence and a detached garage at 3851 Eggers Drive. This property is currently vacant.

The City Council adopted the R-3 Multi-family Residential zoning district in June 2003 to assist the City in meeting its regional housing needs. The Housing Element of the City's General Plan stipulates the application of the R-3 zoning district on a case-by-case basis to land designated for medium, high and very high density residential uses in the General Plan to facilitate and encourage the development of higher density housing. The standards adopted for the R-3 district are suitable for the City's remaining infill sites and provide developers with clear standards that also allow for flexibility. To facilitate high quality development, under the R-3 zoning district, all projects are required to receive Site Plan and Architectural Approval (SPAA) by the Development Organization (staff level for projects consisting of 10 units or less) or the Planning Commission (for all projects of 11 units or more.)

Project Description: The project consists of a rezoning of four contiguous parcels, each approximately 0.25 acre in size with an aggregate area of approximately 1.01 acres, from R-G-29, Garden Apartment Residence zoning district to R-3-18, Multi-family Residential zoning district. The proposed rezoning to R-3-18 is consistent with the site's corresponding General Plan Land Use designation of Medium Density Residential, 15 to 18 dwelling units per acre.

The property adjacent to the west of the project site has the same General Plan Land Use designation of Medium Density Residential, 15 to 18 dwelling units per acre and has been developed as a 40-unit townhouse complex. The property adjacent to the north of the project site has a General Plan Land Use designation of Medium Density Residential, 11 to 15 dwelling units per acre and has been developed as a 245-unit apartment complex. The property adjacent to the south of the project site has a General Plan Land Use designation of Medium Density Residential, 15 to 18 dwelling units per acre and is currently being developed as a 10-unit townhouse complex. The property across Eggers Drive to the east is occupied by Washington High School.

This rezoning is consistent with the City's Housing Element policies for development of multi-family housing. The rezoning to R-3-18 will facilitate future development of a multi-family project on the site at or above the midpoint of the density range (16.5 to 18 dwelling units per acre.) In the near term, it is anticipated that the vacant lot at 3851 Eggers Drive, will be developed with four residences, which meets the criteria of a minimum of four dwelling units at the midpoint of the density range on an approximately 0.25 acre lot.

Project Analysis:

General Plan Conformance: The existing General Plan Land Use designation for the project site is Medium Density Residential, 15 to 18 dwelling units per acre. The proposed project is consistent with the existing General Plan Land Use designation for the project site because the proposed project implements Land Use Element Policies and Housing Element Programs. The following General Plan Goals, Objectives, and Policies are applicable to the proposed project:

- **Land Use Element Policy – LU 1.9:** To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated in the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City's goals. The City therefore establishes a minimum required density of development for all medium and high density residential uses, as follows:
 - When the residential range is between 6.5 and 70 units per acre, and the development application has not been deemed complete for processing under the provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be at the midpoint of the density range.
 - When calculation of the midpoint density results in a fraction of a unit equating to 0.50 or more, the minimum density shall be rounded up to the next whole number.

Analysis: The proposed rezoning to R-3-18 is consistent with the existing General Plan Land Use designation of 15 to 18 dwelling units per acre and implements the policy mentioned above. Any multi-family development on the subject site would be required to adhere to the General Plan goals and policies, including the requirement that the project must satisfy the "midpoint of the density range."

- **Land Use Element Policy – LU 1.22:** Multi-family housing units shall be developed with consideration given to the relationship to adjacent development. Particular attention should be given to the style of roofs, with flat roofs discouraged except where they are usable outdoor space.

Analysis: The project site is adjacent to properties with the same Medium Density Residential, 15 to 18 dwelling units per acre, General Plan Land Use designation. The R-3 Multi-family Residential zoning district establishes appropriate architectural and site standards and guidelines to create a desirable multi-family residential development, as well as allow flexibility for consideration of the relationship to adjacent multi-family developments through the Site Plan & Architectural Approval process.

- **Land Use Element Policy – LU 1.22:** Multi-family housing units shall be developed with consideration given to the relationship to adjacent development. Particular attention should be given to the style of roofs, with flat roofs discouraged except where they are usable outdoor space.
- **Land Use Element Policy – LU 1.25:** Where several multi-family projects are on adjacent parcels of land, a variety of architectural and site design treatments shall be encouraged. However, an architectural or landscape design theme for several parcels may be appropriate.

Analysis: Through SPAA review, the project would be evaluated for compatibility with adjacent uses consistent with the policy above.

- **Housing Element Policy – 3A:** Adopt appropriate land use regulations and other development tools to encourage the development of affordable housing, consistent with the Hill Area Initiative of 2002.
 - **Implementation 18:** The City will evaluate vacant and underutilized residentially designated parcels to identify sites, which could have an increased density and then undertake City-initiated General Plan changes and rezoning to higher densities.

Analysis: To meet the City's regional housing share, the rezoning of a vacant site will provide the opportunity for a multi-family development at a density anticipated by the Housing Element. The R-3-18 zoning designation is consistent with the site's existing General Plan Land Use designation of 15 to 18 dwelling units per acre. Any development on this site must be developed at a density between 16.5 to 18 dwelling units per acre, i.e. no less than the midpoint density as designated by the General Plan. Due to the location of the project site, the Hill Area Initiative of 2002 is not implicated.

Zoning Regulations: The project site currently has a zoning designation of R-G-29, Garden Apartment Residence district. The proposed project consists of a rezoning to the new R-3, Multi-family Residential district, where any development on this site would be required to comply with standards and guidelines adopted for the district, as well as all applicable building and zoning regulations. The following table represents lot and siting requirements.

R-3-18 Zoning Lot & Siting Standards	
Maximum Building Height	52 feet
Minimum Lot Size	6,000 square feet
Minimum Lot Width	60 feet
Street Frontage	35 feet
Front and Street Side Setbacks	20 feet
Interior Side and Rear Setbacks	10 feet
Lot Coverage	50 percent
Minimum Common Open Space Area	500 square feet for up to 5 units, plus 50 square feet for each additional unit; one dimension at least 15 feet

All four parcels have the same lot dimensions of 50 feet lot width, 220 feet lot depth and 11,000 square feet lot size. The lot width is not in conformance with the new R-3 minimum lot width requirement of 60 feet. However, the minimum lot width requirement of the R-G-29 zoning district is 75 feet, and the rezoning to R-3 zoning designation will result in alleviating the gravity of the non-conformance by 15 feet. Additionally, the project site size and configuration as an aggregate offers the potential for development of a multi-family project consistent with the standards and guidelines of the R-3 zoning district. Through SPAA, a multi-family project can be designed to fit with the character and scale of the existing neighborhood and its surroundings. Both R-G-29 and R-3 zoning districts permit continuous use of existing single-family residences.

The project site is also located in the Centerville Specific Plan Subarea 10. The proposed project is consistent with the Centerville Specific Plan because the rezoning maintains the higher density residential uses anticipated in the Specific Regulations for Subarea 10 in the Centerville Specific Plan.

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration have been prepared and circulated for this project. The project is for the rezoning of a site consisting of four properties from one multi-family zoning district to another multi-family zoning district. No development is proposed as part of the project. The environmental analysis identified concerns regarding potential impacts to Air Quality, Cultural Resources and Noise by future development of the project site. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. The mitigation measures shall be followed to reduce impacts to a non-significant level should any subsequent development occur. These mitigation measures have been included in the Mitigation Monitoring Program (MMP) that is recommended to be adopted and will apply to any project on the site. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration and MMP have been prepared for consideration by the Planning Commission.

The types of impacts the mitigation measures address are potential air quality impacts due to grading and construction, guidelines for any archaeological resources found during site development, acoustic analysis for possible exterior noise exposure inside the future developments and specified hours of construction for noise mitigation.

The Initial Study conducted for the project has evaluated the potential for this project to cause an adverse effect, either individually or cumulatively, on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources because the project site is already developed. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to Draft Negative Declaration.) The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

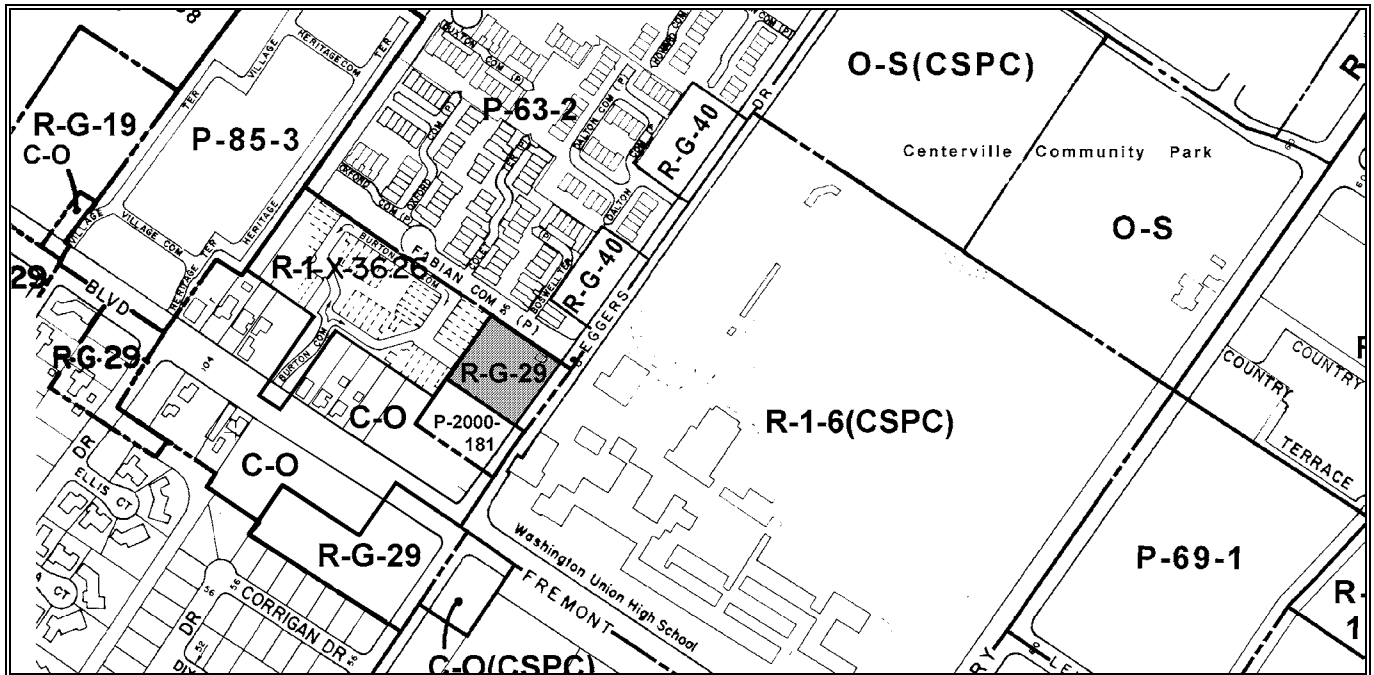
Enclosures: Initial Study, Draft Mitigated Negative Declaration and Mitigation Monitoring Plan

Exhibits: Exhibit "A" Rezoning Map

Recommended Actions:

1. Hold public hearing.
2. Recommend the City Council find the Initial Study has evaluated the potential for this project to cause an adverse effect, either individually or cumulatively, on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. As a result, recommend the filing of a Certificate of Fee Exemption for the project.
3. Recommend the City Council adopt the Draft Mitigated Negative Declaration, and finding that this action reflects the independent judgment of the City of Fremont, and finding there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.
4. Recommend to the City Council approval of the Mitigation Monitoring Plan for PLN2004-00169.
5. Find PLN2004-00169 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
6. Recommend PLN2004-00169 to the City Council in conformance with Exhibit "A" (Rezoning Map.)

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

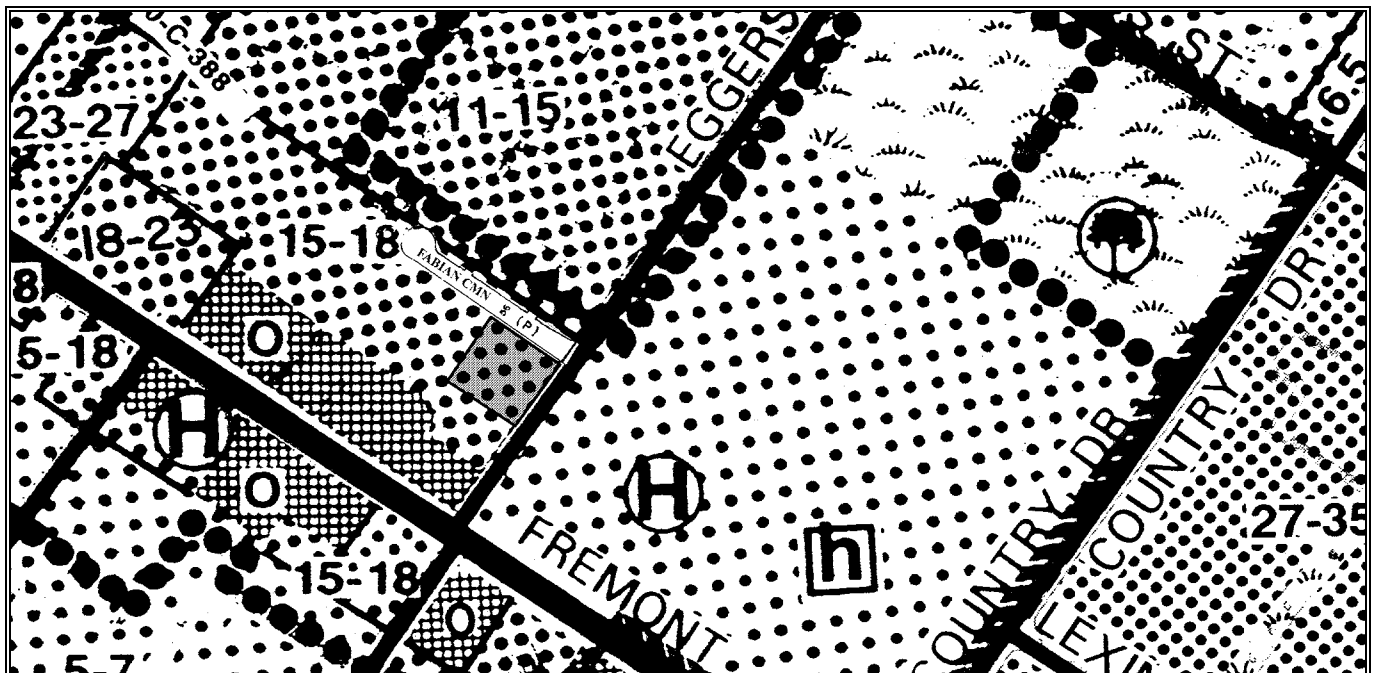


EXHIBIT "A"

Attached to and made a part of

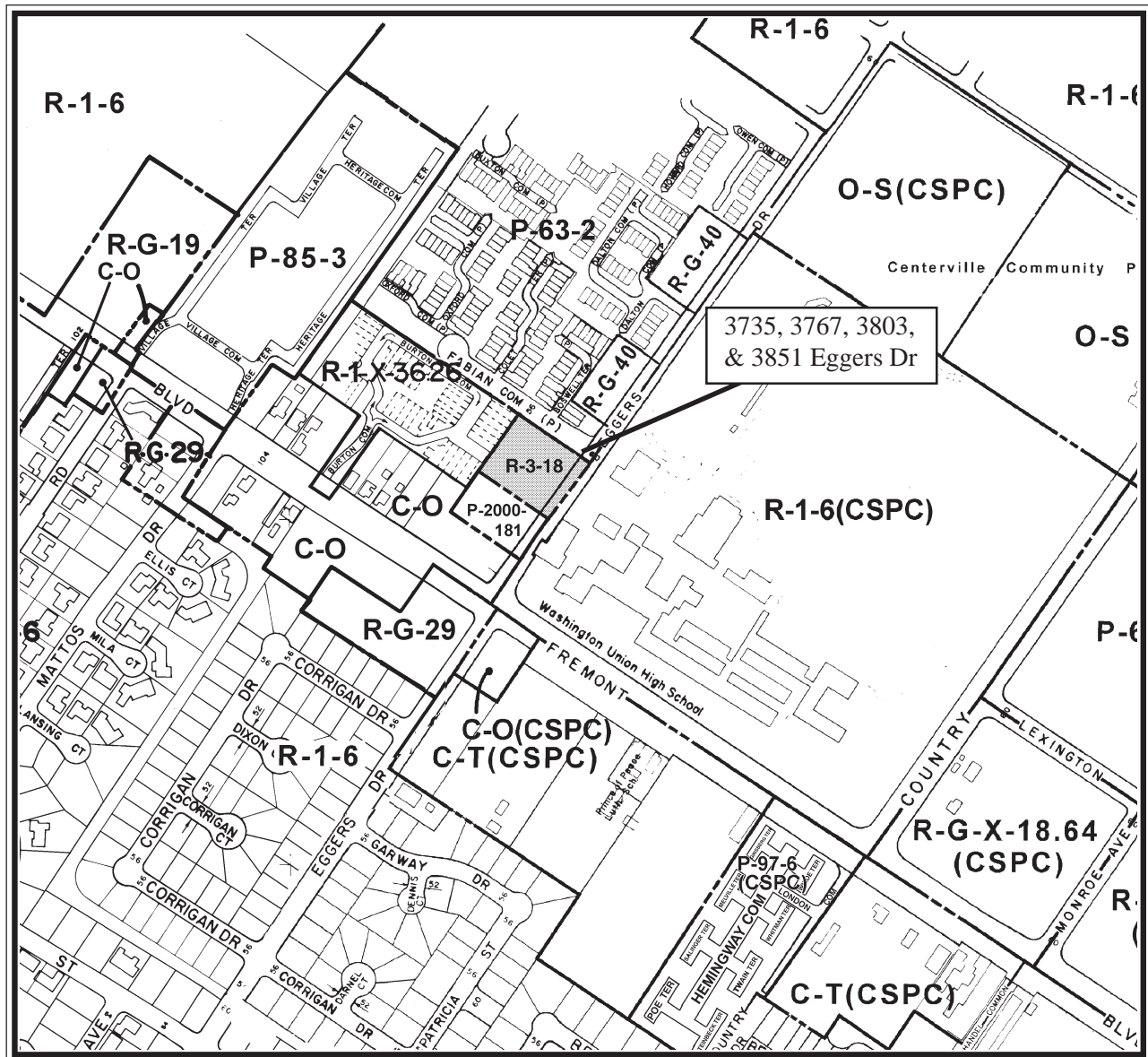
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 04 .

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTERVILLE PLANNING AREA



From: R-G-29

To: R-3-18

Project Name: Eggers Rezoning

Project Number: PLN2004-00169 (Rez)

[pc on 03-11-04] 60-384, 66-384

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